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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

APR 28 2008 *aw*
Apr 28 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Javier Perez

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08CV2401

JUDGE SHADUR

MAG. JUDGE COX

vs.

Case No. _____
(To be supplied by the Clerk of this Court)

Jennifer Witherspoon

Megan Mecardo

Wake County Jail

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Javier Perez
- B. List all aliases: _____
- C. Prisoner identification number: W127537
- D. Place of present confinement: Wake County Sheriffs Adult Correctional
- E. Address: P.O. Box 38, Wakeham, Illinois / (60079)

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Jennifer Witherspoon
 Title: Chief of Corrections
 Place of Employment: Wake County Sheriffs Adult Correctional
- B. Defendant: Megan Mercado (Megan Mecardo)
 Title: Administrative Lieutenant
 Place of Employment: Wake County Sheriffs Adult Correctional
- C. Defendant: Wake County Jail
 Title: Bubcox Center
 Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

The County of Wake along with the following individuals and entity, in their official and individual capacities failed to provide Plaintiff (Javier Perez) with a hearing for alleged violations of facility rules, Jennifer J. Witherspoon, Megan Merardo, and Wake County Jail, Which is a violation of my rights to Due Process and my 4th Amendment Rights. On March 24, 2008, Myself and Officer Joseph Thompson were involved in an altercation, this incident was never documented on an institutional Disciplinary Jail Report, but I have been in the Punitive Segregation Unit without a hearing nor an out date. This violates my right to safe and humane treatment given with respect impartiality and fairness. This also violates my 8th Amendment Right, which is Cruel and Unusual Punishment. This experience is over whelming and is taking a toll on me mentally. I cry evernight and I cannot sleep at all.

I am very stressed and Depressed and I am often
scared and nervous.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

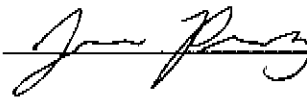
I want to be awarded with \$500 for everyday spent in Segregation under these circumstances, I want to be awarded with \$250,000 for Pain and Suffering and \$100,000 for Punitive Damages and Mental Anguish and Stress. Also, I want all lawyer and court fees paid by the Accused.

VI. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 22 day of April, 2008



(Signature of plaintiff or plaintiffs)

Javier Perez
(Print name)

L127537
(I.D. Number)

P.O. Box 38
Waukegan, Illinois 60079
(Address)